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FISCAL IMPACT REPORT

ORIGINAL DATE 1-24-07

SPONSOR Trujillo LAST UPDATED _____ HB 122

SHORT TITLE Disproportionate Minority Youth Contact SB _____

ANALYST Lucero

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	\$100.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Children, Youth and Families Department (CYFD)

New Mexico Higher Education Department (NMHED)

SUMMARY

Synopsis of Bill

House Bill 122 appropriates \$100,000 from the general fund to Children, Youth and Families Department (CYFD) to establish a technical assistance resource center to support the disproportionate minority contact blue ribbon panel, which collaborates with the juvenile justice advisory committee, in its efforts to reduce disparate treatment of youth in the juvenile justice system.

The appropriation in this bill was not included in the budget request of CYFD nor was it a part of the New Mexico Higher Education Department's funding request for FY08.

FISCAL IMPLICATIONS

House Bill 122 appropriates \$100,000 from the General Fund to pay for the establishment of a technical assistance resource center. Any unexpended or unencumbered balance remaining at the end of FY08 shall revert to the General Fund.

SIGNIFICANT ISSUES

Minority youth account for about one-third of the U.S. juvenile population but they comprise two-thirds of the juvenile detention/corrections population. The issue of disparity in the treatment of minority youth offenders centers around two themes related to juveniles in the justice system: (1) first contact with police and the arresting of minority juveniles and then (2) the sentencing of minority juveniles.

This bill proposes to collect and analyze data related to minority overrepresentation in secured confinement, to educate the community on the disproportional of treatment of minority youth offenders, to engage collaboration from institutions of higher education in the study of strategies to reduce the disproportional of treatment of minority youth offenders.

PERFORMANCE IMPLICATIONS

Data collected by the resource center could lead to improved outcomes for minority juveniles who have come into contact with the justice system. More informed decision making could result if there was data concerning geographic areas of the state with higher rates of juvenile minority contact with the justice system.

ADMINISTRATIVE IMPLICATIONS

None

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None as of 1/24/07.

TECHNICAL ISSUES

According to Federal Probation: A journal of Correctional Philosophy and Practice:

“IN 1998, CONGRESS amended the Juvenile Justice and Delinquency Prevention Act of 1974 by requiring that states receiving funding from Title II Part B Formula Grants program address the issue of disproportional minority confinement (DMC). Four years later, Congress further enhanced the DMC focus by elevating its status to that of a "core requirement." In effect, the mandate required states to assess the magnitude of DMC and formulate effective policies or risk losing as much as 25 percent of their State Formula Block funding.

As a result, research studies examining the over-representation of minorities in the juvenile justice system have increased during the past 20 years. Research findings, however, have been mixed, making the development of effective policies difficult (Lieber, 2002). A primary short-coming of over-representation research has been the failure to include all relevant variables; researchers have designed juvenile research to mirror that on adult outcomes (Fader, Harris, Jones and Poulin, 2001). This approach neglects the central component of juvenile court decision-making.

In one of the most recent and comprehensive national studies of the problem of over-representation of ethnic minorities in the juvenile and criminal justice system, Jones (2000) found over-representation of youth of color at every point and the disadvantages worsened as they went through the system. Minority youth are more likely to be referred to juvenile court, be detained, face trials as adults, and go to jail than white youth who commit comparable crimes. (Shepard, 1995; Pope & Feyerherm, 1995; Wilson, Gillespie, & Yearwood, 2001.) Racial disparities as well as selection and institutional bias in the process may contribute to minority over-representation in secure facilities and suggest that the perception of white police officers can contribute to minority over-representation. White police officers are more likely to arrest poor minorities because of the underlying belief that they are prone to participate in criminal activity. Additionally, seriousness of the current offense, prior offending, age as well as individual characteristics may affect referral decisions. Older minority males are more likely to be recommended for formal processing than are whites, younger adolescents and females (Bishop, Frazier, & Charles, 1996, Drakeford & Garfinkel, 2000).”

OTHER SUBSTANTIVE ISSUES

In July 2004, a committee was established by the Children Youth and Families Department (CYFD) Secretary, to examine the disparity in the treatment of minority youth during and pre-adjudication. HB122 proposes to involve the New Mexico institutions of higher education in assistance with research, curriculum development and training.

ALTERNATIVES

An alternative to HB122 is the development of a grant proposal funded through federal programs or scholarships to study disproportionate minority issues.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo.

DL/mt